

30 December 1977

MEMORANDUM FOR: Director, OPP
Director, OPEI
Chairman, COMIREX
Chairman, SIGINT Committee

STAT FROM:

[Redacted]
Acting Chairman, Security Committee

SUBJECT: Proposed Executive Order on
Security Classification

1. Attached is the final draft of the proposed Executive Order to state national policy on security classification. This draft reflects changes made at the direction of the PRM-29 Ad Hoc Committee co-chairmen to accommodate comments on the first formal draft. A number of those comments were received from the Congress (particularly from Rep. Preyer) and from public interest groups, as a result of the President's direction that the draft Order be made available to interested parties outside the Executive Branch. Handwritten changes to the attached draft were made by the White House staff during final coordination.

2. Your attention is invited particularly to the language in section 4(a) of the draft dealing with declassification policy. Its inclusion of a required balancing test for continuing classification beyond the initial authorized period (normally, 20 years) accords with suggestions from the DCI and from Rep. Preyer for such a test. The DCI's suggestion, however, was advanced with a view of trying to retain Executive Branch control over the subjective process of balancing national security interests against the public's right to know. The passive voice construction used in the draft would appear to put any party to litigation under the Freedom of Information Act on an equal footing with an agency head over the question of demonstrating where that balance lies.

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3. Request any comments you may have on the attached, with supporting rationale, be provided this office as soon as possible but no later than 13 January, 1978.



STAT

Attachment

General Counsel, OMB letter of
27 December 1977 with attached
draft Executive Order on "National
Security Information"